

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, June 28, 2004

AGENDA

7:00 P.M. Regular Session

1. **Opening of Regular Session**?Pledge of Allegiance 5 min.

2. **Agenda Adjustments** 5 min.

3. **Minutes** 5 min.

June 14, 2004 Regular Session

4. **June Anchor Award Winner?Kara Warren**

5 min.

Kara Warren, Staff Assistant III for the Purchasing, Supplies, and Education Department at EMS Station 6 and a Nationally-Certified Child Passenger Safety Technician, has been selected to receive the June Anchor Award. Kara has been instrumental in installing car seats at Durham County EMS Station 6, which has been designated as a Car Seat Checking Station by the NC Department of Insurance and the Office of the State Fire Marshal.

Many times, parents show up without an appointment to have their car seats installed or inspected, and Kara will stop what she is doing to help the parent. Installation of a car seat can take from 45 minutes to an hour, which may pull Kara from her job responsibilities at EMS. She is always very pleasant and accommodating to parents or caregivers on the telephone making appointments, answering questions, or providing driving directions.

When the program started in 2001, Kara installed 100 seats; 249 seats were installed in 2002; and in 2003, Kara installed 275 car seats during her regular workday. The expected number of car seats installed each year is expected to grow in the future. Kara has demonstrated her outstanding customer service, her ability to be a caring, compassionate person, and her capacity to care about the well-being of Durham County's children.

Chairman Ellen Reckhow will lead the presentation.

County Manager's Recommendation: Present the June Anchor Award to Kara Warren along with congratulations of the entire organization.

5. **Consent Agenda** 25 min.

- a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the May property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- b. Contract with Total Billings Inc. (approve contract renewal with Total Billings Inc. to design, print, and mail forms for Tax Administration; the contract amount is not to exceed \$79,000 and

\$100,000 for postage);

- c. Main Library Chilled Water Plant and Boiler Replacement (approve the replacement of the Main Library chiller and boiler systems and authorize the Manager to execute a contract for services with Jeff Hargett Mechanical Inc. for \$155,440; authorize the Manager to execute change orders, if necessary, not to exceed \$15,544. The total contract amount shall not exceed \$170,984);
- d. Request to Approve Durham's Home and Community Care Block Grant Funding Plan Through the Department of Social Services (approve the funding plan as presented; funding has been incorporated into the Manager's proposed FY 2005 Budget);
- e. Lease Agreement to CBK 1, Inc. for Restaurant/Canteen Services (approve the lease agreement and authorize the County Manager to execute);
- f. Budget Ordinance Amendment No. 04BCC000077 and Capital Project Amendment No. 04CPA000017?Criminal Justice Resource Center Renovation Project (approve the \$270,000 transfer from the Criminal Justice Resource Center budget and \$125,000 from unrecognized property tax revenue; approve the establishment of a capital project ordinance amendment for \$395,000 for renovating the Jail Annex [formerly Johnson Motor Company Building] for the Criminal Justice Resource Center);
- g. Offer to Purchase County Property (612 Bingham Street) (pursue the upset bid process; the Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- h. General Ledger Accounting for the Vic Pearson Memorial Relief Fund Owned by the Emergency Medical Services (EMS) Department (accept the opinions of the Institute of Government, the LGC, and the County's audit firm, CB&H, and approve that the County account for and administer the Vic Pearson Memorial Relief Fund within the Trust and Agency Funds of the County's general ledger according to GAAP, GASB, and Policy guidelines. When approved, the Fund will be subject to the annual audit as are all funds owned and administered by the County);
- i. Sale of Fixed Asset (Emergency Generator) From Enterprise Fund to General Fund (approve the sale of the emergency generator for \$25,000 and that the proceeds from the sale remain within the Enterprise Fund and not be remitted to Durham Public Schools [DPS] as the sale of surplus properties, as this asset has not been declared surplus);
- j. Judicial Building 7th Floor Roof Projection Replacement (authorize the execution of a contract to Baker Roofing Company for \$66,850, and authorize the Manager to execute change orders, if needed, not to exceed \$6,685; total project cost will not exceed \$73,535);
- k. Service Contract for the Operation of the Animal Shelter (authorize the County Manager to execute a one-year services contract with the Animal Protection Society of Durham Inc. not to exceed \$432,365.00);
- l. Salary Setting for Board of Elections Director (receive the recommendation of Elections Board and set the salary of Director Michael Ashe at \$73,240 effective August 1, 2003, and \$76,352.71 effective July 1, 2004);
- m. Research Triangle Institute/Research Triangle Foundation Petitions for Abandonment of State Road 2017 and 1989 from N.C. Secondary Road System (Case: SC04-04) (approve the petition and forward it to the Department of Transportation for action);
- n. Approval of Federal Grant Offer to the Raleigh-Durham International Airport (accept the

\$7,000,000 grant offer to construct runway safety area extensions);

- o. Request for Refund of Deposit (2300 Fitzgerald Avenue) (permit the Rudds to withdraw their bid and refund their deposit to them);
- p. Durham Public Schools-Acquisition of Real Property?Vacant Lot Adjacent to Y.E. Smith Elementary School (approve the request as presented);
- q. Budget Ordinance Amendment No.04BCC000078?RTP Special Park Tax District (approve appropriating \$18,608 fund balance and \$24,010.53 additional tax monies);
- r. Budget Amendment No.04BCC000079?Butner/Mangum Special District (approve for the Mangum/Butner Special District.);
- s. Sublease Amendment for 501 Willard Street to Telecare Mental Health Services of North Carolina Inc. (approve and authorize the Manager to execute the proposed amendment);
- t. Construction Contract for the Durham Center for Senior Life Project (authorize execution of a contract with Blair Construction Inc. for \$4,380,705.00 (Base Bid Only) for construction and execute any other related contracts including change orders, if necessary, not to exceed the project budget of \$4,486,605.57);
- u. Budget Ordinance Amendment No. 04BCC000080 and Capital Project Ordinance Amendment No. 04CPA000018?Special Project Grant by the Congress in the VA-HUD-Independence Agencies Appropriations Act (recognize \$67,061 in grant revenue received from Congress which is pass-through funding for Urban Ministries for furniture and equipment and \$67,061 for the Senior Center capital project DC071 for furniture and equipment);
- v. Extension of Civic Center Management and Catering Agreements (authorize the County Manager to enter into the Agreements with the City of Durham and the Shaner Hotel Group extending the term of the current Agreements to December 31, 2004 to allow for the completion of the negotiation process);
- w. Purchase of Library Books and Cataloging/Processing Services (authorize the County Manager to enter into a contract with Baker & Taylor Inc. for an amount not to exceed \$553,000, with an option to renew the contract for four successive one-year periods);
- x. Acquisition of 50 Acres on the South Fork of the Little River Owned by Sean P. and Kristi Scully (authorize the Manager to execute a purchase offer for the three tracts for a total price of \$500,000, with \$1,000 in earnest money); and
- y. Copier Management Service Program for Durham County (authorize the Manager to enter into a three-year contract with Commercial Equipment Inc. at the rates of \$.0193 for standard or network connected digital copiers and \$.19 for digital color copiers with the option to renew annually for three additional one-year periods and the authority to modify the contract based on usage within budget appropriations).

6. Public Hearing?Proposed Secondary Road Construction Program for Durham County (2004-2005)

30 min.

Mr. Battle Whitley, P.E., District Engineer for the North Carolina Department of Transportation, will present the Board with the Annual Secondary Road Construction Program for Durham County (2003?2004). Assistant District Engineer Tasha Johnson-Harris, Division Engineer Jon Nance, Deputy Division Engineer Wally Bowman, and Division Maintenance Engineer Ricky E. Greene Jr., will accompany Mr. Whitley.

Resource Person(s): Battle Whitley, P.E., North Carolina Department of Transportation, Division of Highways, Division Five

County Manager?s Recommendation: The Manager recommends that the Board review the Proposed Secondary Road Construction Program and hold the public hearing. The Board had been given a copy of the statutes outlining the Board?s responsibility and authority for the Secondary Road

Program. Note that any changes to the priorities affect others on the priority listing. After the public hearing, if appropriate, approve the Proposed Secondary Road Program.

7. **Public Hearing to Review Requests from Affordable Housing Providers for the Payment of School Impact Fees for Fiscal Year 2004-2005**

20 min.

As required by the Resolution Establishing a Payment Policy for School Impact Fees on Affordable Housing, nonprofit organizations constructing affordable housing in Fiscal Year 2004-2005 seeking an impact fee voucher, must submit an application for nonpayment of impact fees "at the time of submission of the County's annual budget, non-departmental funding requests." Applications were due to the Impact Fee Administrator by February 27, 2004. Pursuant to G.S. 158-7.1, as stated in the policy, a public hearing shall be held by the Board of Commissioners on all requests for payment. These requests are for new residential construction that will occur between July 1, 2004 and June 30, 2005.

The following nonprofit organizations have submitted requests:

- Rebuild Durham, Inc. in the amount of \$2,000 (one single-family home)
- Carolina Regional CDC in the amount of \$2,000 (one single-family home)
- AIDS Community Residence Association, Inc. in the amount of \$2,000 (one single-family home)
- The Community Builders, Inc. in the amount of \$106,260 (92 multi-family dwelling units)
- Development Ventures Inc. in the amount of \$26,000 (13 single-family homes)
- Durham Community Land Trustees, Inc. in the amount of \$20,930 (6 multi-family and 7 single-family homes)
- Habitat for Humanity of Durham in the amount of \$66,000 (33 single-family homes)
- New Directions for Downtown, Inc. in the amount of \$11,550 (10 multi-family dwelling units)
- Self-Help in the amount of \$28,000 (14 single-family homes)
- UDI Community Development Corporation in the amount of \$16,000 (8 single-family homes)

The total amount requested in impact fee affordable housing vouchers is \$280,740.

Applications and evaluation checklists are included for your review. Staff recommends granting vouchers to nine of the nonprofits; however, the property owner and the builder for The Community Builders Inc. is TCB Calvert Place LLC, which is a for-profit organization and therefore does not meet the requirements of the policy.

Resource Person(s): Heidi Duer, Impact Fee Administrator; and Chuck Kitchen, County Attorney

County Manager's Recommendation: Conduct the public hearing to review the requests for payments of School Impact Fees for Affordable Housing projects in Fiscal Year 2004-2005 and authorize the Impact Fee Administrator to grant payment vouchers as the Board deems appropriate.

8. **Public Hearing?Zoning Ordinance Text Amendment?Package Plants in Watershed Critical Areas (TC 04-02)**

30 min.

The Zoning Ordinance prohibits the extension of sewer lines and the location of sewer facilities into watershed critical areas. The proposed zoning text amendment permits the location of sewer facilities and/or the extension of sewer lines into such areas to serve developments designed consistent with the principles of a Conservation Subdivision subject to the issuance of a major special use permit and establishes conditions for the issuance of such a permit. The Zoning Committee of the Durham Planning Commission recommended approval (5 ? 2) at its May 11, 2004 meeting.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The County Manager recommends that the Board hold a public hearing and, if appropriate, adopt the amendment to the zoning ordinance.

5 min. for items

9. Public Hearing to Permanently Close Flanders Street (SC03-13) 9 - 14

To hold a public hearing and receive public comment on permanently closing a 793.21-linear-foot portion of the public street right-of-way of Flanders Street, west of Conover Road in the Shaw Hills Estates Subdivision.

The Planning Department recommends that the Board adopt the order permanently closing a 793.21-linear-foot portion of the public street right-of-way of Flanders Street, west of Conover Road in the Shaw Hills Estates Subdivision.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board adopt the order permanently closing a 793.21-linear-foot portion of the public street right-of-way of Flanders Street, west of Conover Road in the Shaw Hills Estates Subdivision.

10. Public Hearing to Permanently Close Hillview Drive (SC03-14)

To hold a public hearing and receive public comment on permanently closing a 538.63-linear-foot portion of the public street right-of-way of Hillview Drive west of its intersection with Rondelay Drive in the Shaw Hills Estates Subdivision.

The Planning Department recommends that the Board adopt the order permanently closing a 538.63-linear-foot portion of the public street right-of-way of Hillview Drive west of its intersection with Rondelay Drive in the Shaw Hills Estates Subdivision.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board adopt the order permanently closing a 538.63-linear-foot portion of the public street right-of-way of Hillview Drive west of its intersection with Rondelay Drive in the Shaw Hills Estates Subdivision.

11. Public Hearing to Permanently Close Northwest Drive (SC03-15)

To hold a public hearing and receive public comment on permanently closing a 1,987.87-linear-foot portion of the public street right-of-way of Northwest Drive in the Shaw Hills Estates Subdivision.

The Planning Department recommends that the Board adopt the order permanently closing a 1,987.87-linear-foot portion of the public street right-of-way of Northwest Drive in the Shaw Hills Estates Subdivision.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board adopt the order permanently closing a 1,987.87-linear-foot portion of the public street right-of-way of Northwest Drive in the Shaw Hills Estates Subdivision.

12. Public Hearing to Permanently Close Opal Street (SC03-16)

To hold a public hearing and receive public comment on permanently closing a 416.61-linear-foot portion of the public street right-of-way of Opal Street in the Shaw Hills Estates Subdivision.

The Planning Department recommends that the Board adopt the order permanently closing a 416.61-linear-foot portion of the public street right-of-way of Opal Street in the Shaw Hills Estates Subdivision.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board adopt the order permanently closing a 416.61-linear-foot portion of the public street right-of-way of Opal Street in the Shaw Hills Estates Subdivision.

13. Public Hearing to Permanently Close Rondelay Drive (SC03-17)

To hold a public hearing and receive public comment on permanently closing a 1,893.89-linear-foot portion of the public street right-of-way of Rondelay Drive west of Conover Road in the Shaw Hills Estates Subdivision.

The Planning Department recommends that the Board adopt the order permanently closing a 1,893.89-linear-foot portion of the public street right-of-way of Rondelay Drive west of Conover Road in the Shaw Hills Estates Subdivision.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board adopt the order permanently closing a 1,893.89-linear-foot portion of the public street right-of-way of Rondelay Drive west of Conover Road in the Shaw Hills Estates Subdivision.

14. **Public Hearing to Permanently Close Wenham Court (SC03-18)**

To hold a public hearing and receive public comment on permanently closing a 199.46-linear-foot portion of the public street right-of-way of Wenham Court in the Shaw Hills Estates Subdivision.

The Planning Department recommends that the Board adopt the order permanently closing a 199.46-linear-foot portion of the public street right-of-way of Wenham Court in the Shaw Hills Estates Subdivision.

Resource Person(s): Frank M. Duke, AICP, Durham City-County Planning Director

County Manager's Recommendation: The Manager recommends that the Board adopt the order permanently closing a 199.46-linear-foot portion of the public street right-of-way of Wenham Court in the Shaw Hills Estates Subdivision.

15. **FY 2004-2005 Budget Ordinance Adoption**

20 min.

The Durham County Manager will formally present the FY 2004-05 annual budget to the Durham County Board of Commissioners. This submission is in accordance with the Local Government Budget and Fiscal Control Act, which requires adoption of the budget ordinance no later than July 1.

Resource Person(s): Mike Ruffin, County Manager, and Pam Meyer, Director, Budget & Management Services

County Manager's Recommendation: The County Manager recommends that the Board approve the FY 2004-2005 Budget Ordinance.

16. **Preliminary Plat?Ravenstone (Case D03-567)**

10 min.

RL Horvath Associates Inc., on behalf of Sherron Road Ventures, LLC, has submitted a preliminary plat for 306 single-family lots on a 130.15-acre site, zoned R-10(D) and F/J-B. The proposed project will be located on the southeastern side of Sherron Road, off Hillview Drive, and south of NC 98. (PINs 0860-01-07-6904, etc; County Atlas Page 71, Blocks A-1, A-2, B-1, B-2.

The Planning Staff recommends approval.

Resource Person(s): Frank M. Duke, AICP, City-County Planning Director

County Manager's Recommendation: The County Manager recommends approval.

17. **Interest Rate Swap**

15 min.

The Finance Department would like to present to the BOCC the legal documents of the Swap Arrangement, a policy to governing this arrangement and pricing of the arrangement with Rice Financial Products.

Resource Person(s): George K. Quick, Finance Director

County Manager's Recommendation: The Manager recommends that the BOCC receive the presentation and approve the Swap arrangement subject to LGC approval.

18a. **Progress Report on Benefits Audit**

15 min.

Charlie Hobgood, Internal Audit Manager, has prepared a progress report on the status of the benefits

audit. The engagement letter for the benefits audit includes nine tasks, several which have been completed. However, since the entire audit is not complete, no draft of the audit, including any recommendations, is available.

Resource Person(s): Charlie Hobgood, Internal Audit Manager

County Manager's Recommendation: The Manager recommends that the Board receive the report.

18b. **County Manager's Reviews of Internal Audit of HR**

45 min.

The County Manager notified the Board of Commissioners through a June 7, 2004 Memorandum regarding his findings relative to an internal audit of the Human Resources Department. The Manager's review was confined to the documentation that the Internal Audit Manager and Human Resources Director submitted to support their findings, as well as interviews that were conducted in closed sessions on April 12, 2004 and April 26, 2004. Follow-up interviews were also held with Mr. Hobgood, Ms. Knight and several individuals that were interviewed by Mr. Hobgood.

Resource Person(s): Mike Ruffin, County Manager

County Manager's Recommendation: The Manager recommends that the Board receive the report.

19. **Board and Commission Appointments**

5 min.

Garry E. Umstead, CMC, Clerk to the Board, will distribute ballots to make appointments to the following board and commissions:

- Alcoholic Beverage Control Board
- Animal Control Review Board
- Community Child Protection Team/Child Fatality Prevention Team
- Durham Appearance Commission
- Durham Board of Adjustment
- Durham County Library Board of Trustees
- Durham Technical Community College
- Juvenile Crime Prevention Council
- Nursing Home Community Advisory Committee
- Open Space and Trails Commission

Resource Person(s): Garry E. Umstead

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

20. **Closed Session**

30 min.

The Board of Commissioners is requested to adjourn to closed session to consider the competence, performance, or fitness of a public officer or employee pursuant to G.S. § 143-318.11(a)(6).

4½ hrs.



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